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6 Attorney for Defendants Matthew T. Gregory, Gregory
Baka, Anthony Welch and Tom Schweiger.
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN MARIANA ISLANDS
11

12 RANDALL T. FENNELL,

13 Plaintiff,

14 vs.
15

16 MATTHEW T. GREGORY, former
Attorney General, GREGORY BAKA,
17 Acting Attorney General, ANTHONY
WELCH, Assistant Attorney General,
18 TOM J. SCHWEIGER, Assistant Attorney
General, and DOES 1-20, in their official
19 and individual capacities,

20 Defendants.
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CIVIL ACTION NO. 09-0019

**DEFENDANTS' MOTION TO ENLARGE
TIME**

DEFENDANTS' MOTION AND MEMORANDUM IN SUPPORT OF MOTION TO
ENLARGE TIME

Defendants Matthew Gregory, Gregory Baka, Anthony Welch, and Tom Schweiger, through counsel, ask the court to enlarge the time to reply to plaintiff's petition, as authorized by Federal Rule of Civil Procedure 6(b).

Plaintiff, Randall Fennell, sued Defendants for violation of his Constitutional rights via 42 U.S.C. § 1983. Mr. Fennell filed and attempted to serve several defendants while counsel for Defendants was the Acting Attorney General for the Commonwealth. Counsel for Defendants offered to waive service in exchange for, I believe, a seven day extension. Counsel for Mr. Fennell accepted this offer.

Counsel for defendants had a tooth removed last week and was out of the office for three days. Additionally, counsel for defendants moved into a new home over the weekend. These events, coupled with the normal litigation load have conspired to divide counsel's attention. Moreover, counsel for Defendants has an appellate brief due in the NMI Supreme Court on the same day. Said brief is due in an expedited manner.

The Fourteenth Amendment issues involved in this suit are quite complex. Additional research is required to brief the issue properly. Counsel for Defendants requested¹ an additional fourteen days from plaintiff but plaintiff would only grant an extension to file an answer. Counsel for defendants apologizes for having to ask the court for this extension but needlessly litigious seems to be the hallmark of any litigation relating to the Bank of Saipan.

¹ Attached hereto are the emails requesting the extension.

1 Currently, Defendants' response date is Friday, July 15, 2009. The Court may grant a
2 request for an extension of time for "cause shown."² Defendants ask this Court for a fourteen day
3 extension to the response deadline so that any response to plaintiff's petition will be due on July
4 31, 2009. As this is the date for the reply to the petition, there are no other dates that will change
5 due to this extension. Defendants' request for the extension is for cause shown and is not
6 intended to delay these proceedings.
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9 Counsel for plaintiff has opposed this request.

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11 Respectfully submitted
12 Wednesday, July 15, 2009
13 OFFICE OF THE ATTORNEY GENERAL

14
15 /s/
16 Braddock Huesman, F#00367

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18 CERTIFICATE OF SERVICE

19
20 I certify that a copy of Defendants' Motion to Enlarge Time was served on Mark Hanson
21 who is the attorney in charge for plaintiff, Mr. Fennell, and whose address is PMB 738, PO Box
22 10000, Saipan, MP 96950, (670) 233-8600, by electronic filing on July 15, 2009.

23
24 /s/
25 Braddock J. Huesman

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28 ² Fed. R. Civ. P. 6(b); *Jenkins v. Commonwealth Land Title Ins. Co.*, 95 F.3d 791, 795 (9th Cir. 1996).

Re: Fennell v. Gregory

Subject: Re: Fennell v. Gregory
From: "Mark B. Hanson" <mark@saipanlaw.com>
Date: Fri, 10 Jul 2009 13:26:51 +1000
To: <braddock.huesman@gmail.com>

Brad,

I spoke to my client about this. We feel that if the defendants are going to file an answer, then that could be done fairly easily by July 17. We do not want to give the defendants more additional time to file a motion to dismiss. The facts underlying this lawsuit demonstrate the years of delays caused by the OAG in the first place. This just seems to be more of the same.

With that said, my client will agree to allow the defendants additional time to file an answer (not a motion to dismiss) with any motions to come after a reasonable opportunity for discovery. Regrettably, we cannot agree to additional time for the filing of anything other than an answer.

Mark B. Hanson

----- Original Message -----

From: braddock.huesman@gmail.com
To: Mark B. Hanson
Sent: Friday, July 10, 2009 1:10 PM
Subject: Re: Fennell v. Gregory

Mark

I am out of the office again today so I haven't checked my voicemail. Will you agree to the extension?

Brad

Sent from my BlackBerry® wireless device

From: "Mark B. Hanson"
Date: Thu, 9 Jul 2009 11:48:49 +1000
To: Brad Huesman <braddock.huesman@gmail.com>
Subject: Re: Fennell v. Gregory

Brad,

Our prior agreement to an extension gives you until next Friday, July 17. Why do you need longer than that? Is there no one else in the office that is working on this with you?

Mark B. Hanson

----- Original Message -----

From: Brad Huesman
To: HANSON, Mark Bradley
Sent: Thursday, July 09, 2009 8:12 AM
Subject: Fennell v. Gregory

Mark:

Hope this finds you well. I am in a bit of a crunch. I had a tooth removed yesterday and the stitches seem to be coming undone and so I'm going in to have it looked at. Additionally, my wife and I are trying to move into our new house this weekend and I am not sure I am going to have internet access. Could I have another 14 days? This is turning out to be one awful month for me.

Thanks

Brad

--
 Braddock J. Huesman
 Assistant Attorney General

Re: Fennell v. Gregory

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